

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
SEPTEMBER 8, 2014 MEETING**

STAFF REPORT

TO: BOARD OF MANAGERS
FROM: SHANA R. DAVIS-COOK, VILLAGE MANAGER 
DATE: 9/4/2014
SUBJECT: RESOLUTION NO. 06-01-14 (AMENDED): AMENDMENTS TO THE ALARMS ORDINANCE AND RELATED AMENDMENTS TO THE VILLAGE'S FEES AND FINES ORDINANCE

Background

Resolution No. 06-01-14 was introduced to the Board at your regular meeting on June 9, 2014. At that time, the Board deferred action on the Resolution pending staff's further assessment of the potential impacts of adopting the County's alarms ordinance in the Village.

In August, Chief Fitzgerald and I had a lengthy conference call with the Director of Montgomery County's False Alarms Reduction Unit (FARU), which has primary responsibility for the administration and enforcement of the County's Alarms Regulations (County Code Chapter 3A). The conversation was enlightening, and I concluded that it would not be in the Village's best interest to adopt the County's ordinance for the following reasons:

- My initial interest in pursuing local adoption of the County's Ordinance was to gain the consumer protections outlined within the regulations. These include installation and maintenance requirements that are imposed on alarm business and enforced by the County. We were able to confirm that since Montgomery County requires alarm companies to be registered with FARU in order to operate within the county, the installation and maintenance requirements would apply in the Village and would be enforceable by the FARU.
- It was our understanding that if Village officers were unavailable to respond, the County's Emergency Communications Center (ECC) would not dispatch County officers to an alarm call for a home within the Village unless the home was registered with the FARU. It turns out that this is not the case. County officers would be dispatched to alarm calls in the Village whether or not they were registered with Montgomery County. The FARU agent that he spoke with assured us that we would coordinate with ECC to ensure this was clear.

Proposed Changes

The attached amended Resolution No. 06-01-14 seeks to do the following:

1. Eliminate the permitting requirement for alarm systems.
2. Eliminate the license requirement for alarm companies who install, maintain, repair or operate alarm systems in the Village (this is already required by Montgomery County).

3. Remove provisions that are redundant of County law that apply to alarm companies/operators.
4. Eliminate the local false alarm response fees.
5. Establish a **registration requirement** for all audible and remotely monitored alarm systems at no cost.
6. Amend the wording of the provision meant to control the sound that emits from alarm systems by **prohibiting exterior speakers** that would unnecessarily project the sound of an audible alarm into neighboring homes and the community (maintains the spirit of the current provision, but improves the wording so it can be reasonably enforced).
7. Delete the license and permit fees listed under Section 6-2(d) of the Penalties, Fees and Fines Ordinance pursuant to the recommended changes to the Alarms Ordinance.
8. Establish a fine for failure to register an alarm system with the Village in the Fees and Fines Ordinance.

Draft Motion

I move to APPROVE/DENY Resolution No. 06-01-14—[SELECT ONE OF THE FOLLOWING]

AS DRAFTED

WITH THE FOLLOWING AMENDMENTS _____

Attachments

Resolution No. 06-01-14

Resolution No.: 6-01-14

Introduced: 6-09-14

Adopted: _____

Effective: _____

BOARD OF MANAGERS

FOR

CHEVY CHASE VILLAGE, MD

SUBJECT: AN AMENDED ORDINANCE TO AMEND CHAPTER 21, "ALARMS", [~~TO ADD SEC. 21-1, "ADOPTION OF COUNTY LAW" AND SEC. 21-6, "AUTHORIZATION TO ADMINISTER AND ENFORCE",~~] TO DELETE SEC. 21-4, "ALARM SIGNAL RESPONSE FEE", AND TO AMEND [~~AND RENUMBER~~] SEC. 21-1, "DEFINITIONS", SEC. [~~TION~~] 21-2, "LICENSES AND PERMITS; REVOCATION AND APPEALS", SEC. 21-3, "AUDIBLE ALARM SYSTEMS"; AND TO AMEND CHAPTER 6, "PENALTIES, FEES AND FINES, SEC. 6-2, "FEES AND CHARGES FOR PERMITS AND SERVICES", AND SEC. 6-3, "MUNICIPAL INFRACTION FINES"; [~~AND TO AMEND AND RENUMBER CHAPTER 1, "GENERAL PROVISIONS", SEC. 1-9, "EXEMPTION FROM MONTGOMERY COUNTY LEGISLATION" TO REMOVE ADOPT AND INCORPORATE BY REFERENCE MONTGOMERY COUNTY CODE CHAPTER 3A, "ALARMS REGULATIONS", TO AUTHORIZE THE COUNTY TO ENFORCE THIS CHAPTER IN THE VILLAGE,~~] TO REMOVE THE ALARM INSTALLATION PERMIT REQUIREMENT, TO REQUIRE THAT ALARM SYSTEMS BE REGISTERED WITH THE VILLAGE, TO CONFORM CODE PROVISIONS TO

CAPS
[Brackets]
Asterisks * * *
CAPS
[Brackets]

: Indicate matter added to existing law.
: Indicate matter deleted from law.
: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
: Indicate matter added in amendment
: Indicate matter deleted in amendment

CURRENT PRACTICE, AND TO REMOVE REDUNDANT
PROVISIONS [~~AND TO RENUMBER CERTAIN SECTIONS~~].

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Board of Managers to adopt such ordinances as it deems necessary to assure the good government of Chevy Chase Village; to protect and preserve the rights, property and privileges of the Village; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Village residents; and

WHEREAS, Section 77-14(a) of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary with respect to sanitation, care of property, and other police and health regulations; and

WHEREAS, after proper notice to the public, the Board of Managers conducted a public hearings at which it considered the following ordinance in public session assembled on the _____ day of _____, 2014; and

~~[WHEREAS, the Board of Managers has determined that it is appropriate to incorporate by reference Chapter 3A, "Alarms - Regulations" in the Village Code and to authorize the County to enforce this law consistent with the Village Code;]~~

WHEREAS, there are various provisions of the Village Code that are outdated, duplicative of the County Code, or are no longer required in the Village, and should be deleted.

NOW THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN AMENDED ORDINANCE TO AMEND CHAPTER 21, "ALARMS", [~~TO ADD SEC. 21-1, "ADOPTION OF COUNTY LAW" AND SEC. 21-6, "AUTHORIZATION TO ADMINISTER AND ENFORCE",~~] TO DELETE SEC.

21-4, "ALARM SIGNAL RESPONSE FEE", AND TO AMEND ~~[AND RENUMBER]~~ SEC. 21-1, "DEFINITIONS", SEC.~~[TION]~~ 21-2, "LICENSES AND PERMITS; REVOCATION AND APPEALS", SEC. 21-3, "AUDIBLE ALARM SYSTEMS"; AND TO AMEND CHAPTER 6, "PENALTIES, FEES AND FINES, SEC. 6-2, "FEES AND CHARGES FOR PERMITS AND SERVICES", AND SEC. 6-3, "MUNICIPAL INFRACTION FINES"; ~~[AND TO AMEND AND RENUMBER CHAPTER 1, "GENERAL PROVISIONS", SEC. 1-9, "EXEMPTION FROM MONTGOMERY COUNTY LEGISLATION" TO REMOVE ADOPT AND INCORPORATE BY REFERENCE MONTGOMERY COUNTY CODE CHAPTER 3A, "ALARMS REGULATIONS", TO AUTHORIZE THE COUNTY TO ENFORCE THIS CHAPTER IN THE VILLAGE,]~~ TO REMOVE THE ALARM INSTALLATION PERMIT REQUIREMENT, TO REQUIRE THAT ALARM SYSTEMS BE REGISTERED WITH THE VILLAGE, TO CONFORM CODE PROVISIONS TO CURRENT PRACTICE, AND TO REMOVE REDUNDANT PROVISIONS ~~[AND TO RENUMBER CERTAIN SECTIONS]~~.

SECTION 1.

BE IT ORDAINED AND ORDERED this _____ day of _____, 2014, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 77-14 of the Village Charter that Chapter 21, "Alarms", ~~[Sec. 21-1 "Adoption of County law" be enacted to read as follows:~~

~~SEC. 21-1. ADOPTION OF COUNTY LAW.~~

~~CHAPTER 3A OF THE MONTGOMERY CODE, ENTITLED "ALARMS REGULATIONS", AS AMENDED, IS HEREBY ADOPTED AND ENACTED AS THE ALARM CODE OF THE VILLAGE WITH THE ADDITIONS AND AMENDMENTS AS SET FORTH IN THIS CHAPTER.~~

~~SECTION 2.~~

~~AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____,~~
~~2014, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the~~
~~authority granted to it by §5-201 et seq. of the Local Government Article, Annotated Code of~~
~~Maryland, Sec. 13-3 of the Village Code and Section 77-14 of the Village Charter that Chapter~~
~~21, "Alarms",] Sec. 21-1, "Definitions", be repealed, re-enacted, [renumbered] and amended to~~
read as follows:

Sec. 21-(1). Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *Alarm signal.* The activation of an alarm system [that requires a response by police].
- ~~[(b)]~~ *Alarm business.* Any business entity which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling at retail, servicing or responding to a burglar or holdup alarm system, but does not include entities which only provide telephone answering services which receive alarm signals and relay information to the Montgomery County Police Department and/or the Chevy Chase Village Police Department.]
- ~~[(e)]~~(B) *Alarm system.* Any assembly of equipment, mechanical or electrical, arranged to audibly or visually signal an occurrence of any unauthorized entry or other activity requiring urgent attention and to which the police are expected to respond, including devices activated automatically, such as burglary alarms, and devices activated manually, such as holdup alarms, but not including telephone lines maintained and operated by public utilities under the regulation of the public service commission over which such signals may be transmitted, or alarm systems installed in motor vehicles or boats.
- ~~[(d)]~~ (C) *Alarm user.* THE OWNER OR LESSOR OF ANY ALARM SYSTEM OR THE OCCUPANT OF ANY DWELLING UNIT WITH AN ALARM SYSTEM. [The person legally entitled to possession of the property upon which is located an alarm system.]
- ~~[(e)]~~ *False alarm.* An alarm signal which is not in response to actual or threatened criminal activity, including, but not limited to, negligently or accidentally activated signals, signals which are the result of faulty, malfunctioning, or

~~improperly installed or maintained equipment, or signals which are purposely activated by unusually severe weather conditions or fluctuation in the electricity supplied by a regulated utility company and beyond the control of the alarm user or alarm business shall not be deemed false alarms.~~

~~(d) License. A license issued to an alarm business, which supplies goods or services to persons in the village and issued by the County Office of Consumer Affairs or by the Village.]~~

~~[(g) Permit. A permit issued to an alarm user by the Village.]~~

SECTION 2.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, 2014, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, Sec. 13-3 of the Village Code and Section 77-14 of the Village Charter that Chapter 21, "Alarms", Sec. 21-2, "Licenses and permits required; revocation and appeals", be repealed, re-enacted, renumbered and amended to read as follows:

Sec. 21-2. [~~Licenses and permits~~] REGISTRATION required[; ~~revocation and appeals~~].

~~[(a) On or after June 1, 1984, i]~~ It shall be unlawful for any person to INSTALL, MAINTAIN OR OPERATE AN ALARM SYSTEM IN THE VILLAGE [~~engage in the alarm business, or to be an alarm user, within the Village~~] WITHOUT having first [~~received~~] REGISTERED THE ALARM SYSTEM WITH [~~a license as an alarm business, or received a permit as an alarm user, as the case may be, from~~] the Village.

~~[(b) All alarm businesses shall perform work in a workmanlike manner.~~

~~[(c) The licensee for an alarm business may be refused, suspended or revoked by the Village Manager upon a finding of a violation of any provision of this Chapter.~~

~~[(d) An alarm business may not sell, install, alter, lease, monitor, maintain, repair, replace or service the burglary or holdup alarm system of an alarm user unless the alarm user possesses a valid alarm user permit and is prominently displaying a permit decal.~~

~~[(e) Before revoking, suspending or refusing to grant or renew any license or permit under this section, the Village Manager shall afford the licensee the opportunity for a hearing on not less~~

than ten (10) days' notice to show cause why the license should not be revoked, suspended or refused.

~~— (f) Any party aggrieved by the Manager's decision shall be entitled to appeal such decision to the board of managers. No hearing by the Board of Managers shall be held except upon fifteen (15) days' written notice of such hearing by personal service or certified mail delivered to the last address recorded in the village office. Such notice shall specify the time, date and place of the hearing and shall contain sufficient information to give notice of the nature of the complaint. Such notice shall specify that the licensee or proposed licensee has a right to representation by counsel and that his license may be suspended, revoked or refused by the Village.~~

~~— (g) The Board, upon finding a violation of this Chapter, or the violation of any other applicable provision of law or regulation relating to the sale, installation or maintenance of alarm systems, shall have the power to revoke, suspend or refuse to renew the license of any licensee. Any decision to revoke, suspend or refuse to renew a license shall be in writing and shall include a statement of the facts upon which it is based. Decisions shall be served upon a licensee by personal service or by certified mail. Any licensee aggrieved by a decision of the Board to revoke, suspend or refuse a license may appeal to the Circuit Court of Montgomery County in accordance with the procedures prescribed for administrative appeals by Maryland Rules of Procedure.]~~

SECTION 3.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, 2014, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, Sec. 13-3 of the Village Code and Section 77-14 of the Village Charter that Chapter 21, "Alarms", Sec. 21-3, "Audible alarm systems", be repealed, re-enacted, renumbered and amended to read as follows:

Sec. 21-3. Audible alarm systems.

~~[(a) On and after June 1, 1984, it shall be unlawful for any person to install or maintain any audible alarm system, which fails to automatically discontinue emitting an audible sound within thirty (30) minutes.~~

____(b)] On and after [~~January 1, 2003~~] OCTOBER 1, 2014, it shall be unlawful for a person to install any alarm system that [~~emits sound which is audible anywhere off the property on which the system is installed~~] INCLUDES EXTERIOR ALARM SOUND EQUIPMENT .

SECTION 4.

AND BE IT FURTHER ORDAINED AND ORDERED, this ____ day of _____, 2014, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, Sec. 13-3 of the Village Code and Section 77-14 of the Village Charter that Chapter 21, “Alarms”, Sec. 21-4, “Alarm signal response fee” be repealed as follows:

[~~Sec. 21-4. Alarm signal response fee.~~

____(a) The alarm user permit fee for any property shall be increased by five dollars (\$5.00) for every false alarm signal in excess of ten (10) to which the Police responded during the prior year. The alarm business shall be liable to the alarm user for any additional alarm user permit fees assessed pursuant to the previous sentence resulting from faulty or malfunctioning equipment supplied, installed or maintained by such alarm business.

____(b) The Village Manager shall be responsible for establishing and publishing procedures and publishing fees for the registration and the issuance of licenses to all alarm businesses that have consumers in the Village, and for issuing permits and decals to alarm users. The Village Manager shall be responsible for the collection of the fees assessed hereunder.

____(c) All alarm users shall obtain from the Village Manager an alarm user permit and permit decal. All alarm users shall prominently display the permit decal in a location where it may be read from outside of the building. Failure to obtain and display the alarm permit and permit decal shall be a municipal infraction, the penalty for which shall be as proscribed in Section 6-2(d).

____(d) The Village Manager may establish and publish regulations regarding procedures to be followed by alarm businesses when reporting alarms directly to the police. Failure to follow the procedures so established shall be cause for the suspension or revocation of the alarm business license by the Village.]

[~~SECTION 6.~~

~~AND BE IT FURTHER ORDAINED AND ORDERED, this ____ day of _____, 2014,~~

~~by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority~~

~~granted to it by §5-201 et seq. of the Local Government Article, Annotated Code of Maryland,
Sec. 13-3 of the Village Code and Section 77-14 of the Village Charter that Chapter 21,
“Alarms”, Sec. 21-6 “Authorization to administer and enforce” be enacted to read as follows:~~

~~**SEC. 21-6. AUTHORIZATION TO ADMINISTER AND ENFORCE.**~~

~~THE COUNTY IS HEREBY REQUESTED AND AUTHORIZED TO ADMINISTER AND
ENFORCE THE ALARMS CODE OF THE VILLAGE WITHIN THE INCORPORATED
LIMITS OF THE VILLAGE AS FULLY AND TO THE SAME EXTENT AS CHAPTER
3A, “ALARMS REGULATIONS” OF THE MONTGOMERY COUNTY CODE IS
ADMINISTERED AND ENFORCED IN THE COUNTY.]~~

SECTION 5.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, 2014,
by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority
granted to it by §5-201 et seq. of the Local Government Article, Annotated Code of Maryland,
Sec. 13-3 of the Village Code and Section 77-14 of the Village Charter that Chapter 6,
“PENALTIES, FEES AND FINES”, Sec. 6-2, “Fees and charges for permits and services” be
repealed as follows:

Sec. 6-2 Fees and charges for permits and services.

(a) through (c) * * * *

~~[(d.) Alarms (Chapter 21) licenses and permit fees. _____]~~

~~(1) Alarm business 25.00~~

~~(2) Alarm users permit 5.00]~~

SECTION 6.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, 2014,
by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority
granted to it by §5-201 et seq. of the Local Government Article, Annotated Code of Maryland,

Sec. 13-3 of the Village Code and Section 77-14 of the Village Charter that Chapter 6, "PENALTIES, FEES AND FINES", Sec. 6-3, "Municipal infraction fines" be repealed, re-enacted and amended to read as follows:

Sec. 6-3. Municipal infraction fines.

(a) through (e) * * * *

(f) Alarm regulations (Chapter 21).

~~[(1) Section 21-1(a), failure to meet alarm business license or alarm user permit requirement.....50.00~~
~~(2) Section 21-3, audible sound, thirty (30) minutes50.00~~
~~(3) Section 21-4, failure to display alarm permit decal15.00]~~
~~FAILURE TO REGISTER AN ALARM SYSTEM.....50.00~~

(g) * * * *

SECTION 7.

~~[AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, 2014, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 et seq. of the Local Government Article, Annotated Code of Maryland, Sec. 13-3 of the Village Code and Section 77-14 of the Village Charter that Chapter 1, "General Provisions", Sec. 1-9, "Exemption from Montgomery County Legislation", be repealed, re-enacted, renumbered and amended to read as follows:~~

~~Sec. 1-9. Exemption from Montgomery County Legislation.~~

~~(a) (b) * * * *~~

~~(c) The following chapters of the Montgomery County Code, [1984,] or portions thereof, enacted by Montgomery County, as they now exist and as may hereafter be amended, are exceptions to the general exemption set forth in subsection (a) above, and shall be applicable within the~~

~~Village until such time as the Board of Managers shall duly exempt the Village from their application:~~

~~(1) (3) * * *~~

~~(4) CHAPTER 3A, "ALARMS REGULATIONS", EXCEPT TO THE EXTENT THAT IT IS IN CONFLICT WITH ANY PROVISION OF THE VILLAGE CODE.~~

~~(4) Chapter 5, Animal Control through (34) Chapter 59, Zoning to be renumbered accordingly:~~

~~* * *~~

~~SECTION 10]~~

AND BE IT FURTHER ORDAINED AND ORDERED, this ____ day of _____, 2014,
by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority
granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland,
and Section 77-14 of the Village Charter that and Section 77-14 of the Village Charter that:

- (1) If any part of provision of this ordinance is declared by a court of competent jurisdiction
to be invalid, the part of provision held to be invalid shall not affect the validity of the
ordinance as a whole or any remaining part thereof; and
- (2) This ordinance shall take effect on the ____ day of _____, provided the same is
posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE

Michael L. Denger, Chairman
Board of Managers
Chevy Chase Village

ATTEST:

Richard Ruda, Secretary

